HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 116 of 2005.

Shri Vishnu Tatoba Mane & Anr. ...Petitioners.

V/s.

The State of Maharashtra. ...Respondent

Shri J.P.Kharge, advocate for petitioner

Shri K.V.Saste, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 8, 2005

P.C. :-

1. Heard the learned counsel for the parties.

2. Rule, made returnable forthwith, by consent.

3. Shri K.V.Saste, APP waives notice for respondent-State.

4. As short question is involved, matter is taken up for final hearing forthwith, by consent.

5. This petition takes exception to the order passed by the Sessions Judge, Sangli dated 29th March, 2005, dismissing the appeal preferred by the petitioner, for default as well as for non-prosecution.

6. The only explanation offered by the petitioner is that due to personal difficulty, the petitioner could not remain present in the court, at the time of hearing of the appeal nor could deposit paper-book charges within the time.

7. The explanation so offered, in my view, is not at all satisfactory much less sufficient cause. However, by way of indulgence, the order which is impugned in this petition is set aside, on petitioner paying cost to be deposited with the High Court Legal Service Authority within one week from today, quantified at Rs.1,000/-.

8. It is made clear that only on payment of cost as aforesaid, the order impugned in this petition will be treated as set aside.

9. Besides, paying cost within one week in terms of this order, petitioner undertakes to pay necessary paper-book charges before the appellate court within three days from the date on which appeal will stand restored to the file of the appellate court in terms of this order.

10. Petitioner not to be arrested for a period of 10 days from today in connection with the present offence to enable the petitioner to comply the aforesaid directions.

11. Petition disposed of in the above terms.